



PATENT
Customer No. 22,852
Attorney Docket No. 08702.0071-00000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Hyun KIM *et al.*

Serial No.: 09/687,281

Filed: October 13, 2000

For: INJECTABLE CARRIER
FORMULATIONS OF
HYALURONIC ACID
DERIVATIVES FOR DELIVERY
OF OSTEOGENIC PROTEINS

)
)
) Group Art Unit: 1651
)
) Examiner: Jon P. WEBER
)
)
)
)
)
)

#21
M.g.
6/9/03

RECEIVED

JUN 05 2003

TECH CENTER 1600/2900

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE

In reply to the Office Action dated March 5, 2003, Applicants respectfully request reconsideration of this application in light of the following remarks and the attached Declaration under 37 C.F.R. § 1.132 by Dr. Hyun Kim. Claims 1-7 and 11 are pending in the application.

Rejections under 35 U.S.C. § 103

The Examiner rejected claims 1-5, 7, and 11 under 35 U.S.C. § 103(a) over U.S. Patent No. 5,939,974 (Valentini). Valentini describes a solid scaffold carrier for implantation of BMPs. The synthesis of this solid (non-injectable) scaffold includes a step where the hyaluronic acid derivative is in a liquid form. The Examiner contends that this liquid solution intermediate meets the limitations of Applicants' claims because

FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER LLP

1300 I Street, NW
Washington, DC 20005
202.408.4000
Fax 202.408.4400
www.finnegan.com